

REMARKS

Claims 1-37 are pending. Claim 37 has been amended to correct a typographical error without changing its scope. Favorable reconsideration is requested.

In the Office Action, claims 1-5, 9-11, 15, 16, 19, 20, 23, 26, 27, 32, 36 and 37 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels and Hars, and further in view of newly-cited U.S. Patent 7,447,907 (Hart III et al.). Claims 2-4, 12-14, 21, 22 and 28-30 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels, Hars, and Hart III et al., and further in view of Official Notice. Claims 6, 17, 24, 33 and 34 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels, Hars, and Hart III et al., and further in view of Zimmerman. Claims 7, 8, 18, 25 and 35 were rejected under 35 U.S.C. § 103(a) over Shinn et al. in view of Daniels, Hars, and Hart III et al., and further in view of Fishman et al. Applicants traverse.

As was pointed out previously, the independent claims all require, in effect, an identifier unique to the intended legitimate destination of the trading data to be transmitted and announced.

As mentioned in the previous response, Hars relates to a system and method for preventing illicit copying and processing of digital recordings, such as compact discs (CDs) (see paragraph [0024]). Hars does not teach or suggest that such a system would include extra information that is dependent, or relates in any way, to the legal intended recipient of the data.

Moreover, inserting the legitimate destination of the CD would be impossible because, as CDs are mass-produced, the final purchaser would not be known during production. What is added in Hars, i.e., the hum, advertisement, bell, beep, etc. is unrelated to any recipient and could not have the effect of the presently claimed invention of dissuading the recipient from sharing it with those who did not pay for it. For at least this reason, the invention defined by claims 1, 11, 20,

and 27 goes against the teaching of Hars and works in an entirely different manner to obtain a different result.¹

That is, the independent claims relate to providing an audible indication that is dependent on the legitimate intended recipient (e.g., the trading floor identifier), which is nowhere found in Hars, and which could not possibly be achieved in the context of Hars system. Thus, even if Hars is combined with the other references, it does not teach or suggest the claimed invention.

Further, in the Office Action at page 4, the Examiner refers to the “audible announcement/watermark” of Hars, which would imply that the terms “watermark” and “audible announcement” are interchangeable. However, in Hars they are clearly different things. As mentioned at, e.g., paragraph [0011] of Hars, Hars involves, amongst other things, “inserting a disruption along with the watermarked digital recording.” The disruption may be a filler, e.g., a hum, bell, beep etc. (paragraph [0037]). The Hars system is designed to prevent a watermarked anti-copy system being circumvented by stitching together un-watermarked portions of a recording. It does this by using the filler. Importantly, the watermark is not disclosed as audible, only the filler.

The Hart reference was newly cited. First, Hars and Hart both relate to recording media such as DVDs and CDs. Therefore, as discussed in relation to Hars, the skilled person would not consider Hart as it is not related to trading systems.

Moreover, Hart discloses a system that puts a “watermark” on data such as video, audio or computer games to identify the customer to whom the data is distributed. So, if an unauthorized person is found with the data then it is clear that it is an unauthorized copy. There is an important distinction between Hart’s method and that which is claimed. In Hart, the watermark that is put onto, for example, a CD *is hidden*. As such, in contrast to the arrangement of the present application, in which a trading floor identifier is **audibly announced**, in Hart it is not immediately

¹ This is over and above the fact, discussed at length in the previous responses, and incorporated herein by reference, that Hars relates to a *completely different technical field* to that of the present application, and would therefore not be considered by the skilled person.

apparent to the legitimate, or indeed the illegitimate, user of the data who the legitimate recipient of the data is. Thus, even if Hart's hidden data² were to be added, it would not have the same affect, of dissuading the legitimate recipient from sharing the data, as the claimed invention.

Claim 1 of the present application (the other independent claims are similar) requires a trading floor identifier unique to each trading floor or unique to the institution or party to which the trading floor belongs to be audibly announced. In contrast, the watermark of Hart is *specifically mentioned as not being audible to the human ear*. Claim 1 of the present application also requires at least a portion of the data to be audibly announced at the trader workstations and also the unique identifier. In contrast to this, Hart requires a separate decoder to decode the watermark, which is intended to be done *at a later time* (presumably by another entity, such as some sort of law enforcement body).

As understood by applicants, what Hart teaches is that the identifier of the genuine recipient of data is appended to the data. However, entirely contrary to the teaching of the present invention, the identifier is *kept hidden from the intended recipient*.

In view of the foregoing, and the arguments presented in the previous Amendments, the independent claims are believed patentable over the cited art. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

² The data in Hart is hidden. See, e.g., column 5, line 42 "watermarked with encrypted customer data". Column 9, lines 25 to 29 the data is watermarked "within a header of the title data, between frames of the title data, and the like". Column 11, lines 42 to 50 "if a pirated copy or copies of a purchased medium is made, it can later be determined who was the purchaser of the original copy". Column 19, lines 59 to 66 describe that a decoding device is needed to trace the origin of the illegal copy. Column 23, lines 1 to 3 "frequency modulation [of the watermark] will not be discernable to the human ear". Column 23, lines 19 to 26, "an identifying tag [for the watermark] can be injected harmlessly into the title data".

REQUEST FOR INTERVIEW

Applicants respectfully request that before this case is taken up for further action, the Examiner telephone applicants' undersigned representative to conduct a telephone interview in the hope of furthering prosecution.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By


Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO LLP

1633 Broadway

New York, New York 10019-6708

(212) 277-6500

Attorney for Applicant